



March 15, 2019

Wynne Miller, Acting Deputy Director
Office of Pesticide Programs
U.S. Environmental Protection Agency 1200 Pennsylvania Ave
Washington, DC 20460

RE: Pesticide Registration Notice 2017-2, "Guidance for Herbicide-Resistance Management, Labeling, Education, Training, and Stewardship"

Dear Ms. Miller:

CropLife America (CLA) staff and members appreciate the meeting with the Environmental Protection Agency (EPA or Agency) on September 27, 2018. As you know, CLA represents the developers, manufacturers, formulators and distributors of plant science solutions for agriculture and pest management in the United States. CLA's member companies produce, sell and distribute virtually all the vital and necessary crop protection and biotechnology products used by American farmers, ranchers and landowners.

In September we discussed our concerns regarding a provision within Pesticide Registration Notice (PR Notice or PRN) 2017-2, "Guidance for Herbicide-Resistance Management, Labeling, Education, Training, and Stewardship" referencing reporting requirements under §6(a)(2) of the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA), and potential confusion the PR Notice has raised regarding those requirements related to pesticide resistance.

As we discussed at that time, FIFRA §6(a)(2) reporting is not an efficient way to communicate needed information to growers. Moreover, as laid out in more detail in our August 23, 2018 letter to Rick Keigwin, a copy of which is attached, PRN 2017-2 could be misinterpreted as an attempt to expand the existing reporting requirements regarding resistance, codified at 40 CFR §159.188(c). As we also discussed with you in September, the language of the PR Notice has led to questions and confusion among our members regarding the extent of their reporting requirements under 40 CFR §159.188(c). However, we understood from our meeting that PRN 2017-2 is *not* intended to be, and should not be understood as, an expansion of the requirements of the existing §6(a)(2) reporting rule. Unless we receive a response to this letter to the contrary, we will advise our members of our understanding – that the intent of PRN 2017-2 is *not* to expand the reporting requirements set forth in 40 CFR §159.188(c).

During our September meeting, we also reaffirmed with EPA staff CLA's continued commitment to communication and education efforts for growers around resistance

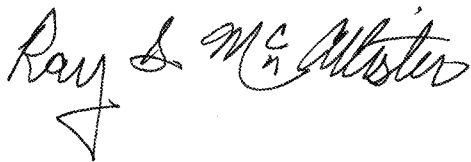
management. EPA staff expressed interest in working with stakeholders on developing comprehensive resistance management education tools. We understand that this shared commitment was further reinforced by another meeting EPA held October 4, 2018 with several CLA members who were attending as part of the US Herbicide Resistance Action Committee (US HRAC). We value such meetings with the Agency and look forward to continuing to develop and execute opportunities to deliver to growers the information they need to make informed resistance management decisions.

We understand that the October 4 meeting included discussion of a resource platform for herbicide resistance, *Take Action*, that was developed by the United Soybean Board, Weed Science Society of America, several commodity organizations and several CLA member companies.¹ We understand that *Take Action* provides growers with tools and other resources to assist in their identification and management of resistance in weeds, fungi and insects. It encourages growers to adopt practices that lessen the impacts of resistance and to preserve current and future crop protection technology.

Efforts like *Take Action* are consistent with the long history of education and outreach on resistance issues that CLA and our members have supported, including through US HRAC. We look forward to continuing these efforts with EPA and other interested stakeholders.

Thank you again for your time in meeting with us in September; your clarification of the relationship of PR Notice 2017-2 to reporting requirements under FIFRA §6(a)(2); and your continued support of early, consistent and practical grower education on this important topic.

Sincerely,



Ray S. McAllister
Senior Director, Regulatory Policy
(202) 872-3874

Cc: Rick Keigwin, OPP/EPA
Bill Chism, BEAD/OPP/EPA
Erin Koch, OGC/EPA

¹ See TAKE ACTION, <https://iwilltakeaction.com/> (last visited March 14, 2019).